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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,340	10/25/2001	Scott J. Robinson	P-10076	3840

27581 7590 12/12/2002

MEDTRONIC, INC.  
710 MEDTRONIC PARKWAY NE  
MS-LC340  
MINNEAPOLIS, MN 55432-5604

EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/045,340

Applicant(s)

ROBINSON ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 34-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of claims 1-35 in Paper No. 7 is acknowledged. The traversal is on the grounds that "there is no undue burden imposed on the Examiner". This is not found persuasive because these inventions are distinct and have acquired a separate status in the art as shown by their different classification, please note that the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

Additionally, during a telephone conversation with Girma Wolde-Michael on 12/02/02, a requirement was made to elect between Group I-a (claims 1-33) and Group I-b (claims 34-35, classified on class 607). A provisional election was made to prosecute the invention of Group I-a, claims 1-33. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 34-39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected inventions.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one electrical connector comprising a base metal having at least one plating material, as required by claims 13 and 24; and the housing having an opening and defining a first environment within the housing and the electrical contacts extending from the first

environment within the housing to a second environment outside the housing, as required by claim 19-21, must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 3, 4, 10, 14, 15, 22, 20, 25 and 33 are objected to because of the following informalities:

In claim 3 line 2; and claim 4 line 3, "sections" should be --section--.

In claim 10 line 3, "the various" lacks antecedent basis.

In claim 14, "the group" lacks antecedent basis.

In claim 15 line 1, "the implantable medical device" lacks antecedent basis.

In claim 20 line 2, "a second" should be --the second--.

In claim 22 line 2, "the electrical wires" lacks antecedent basis.

In claim 25, "the group" lacks antecedent basis.

In claim 33 lines 2-3, "the apertures" lacks antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claim 11 is indefinite because there is an inconsistency within the claims. Claims 1 and 10, from which it depends, indicates that the subcombination, an apparatus, is being claimed. However, later claim 11 contains positive limitations directed toward the electrical wires, suggesting that applicant intends to claim the combination of the apparatus and the electrical wires. Applicant is required to clarify what subject matter the claims are intended to be drawn to and the language of the claim must be amended to be consistent with this intent.

The scope of claim 15 is indefinite because there is an inconsistency within the claims. Claims 1, from which it depends, indicates that the subcombination, an apparatus, is being claimed. However, later claim 11 contains positive limitations directed toward an implantable medical device, suggesting that applicant intends to claim the combination of the apparatus and the implantable medical device. Applicant is required to clarify what subject matter the claims are intended to be drawn to and the language of the claim must be amended to be consistent with this intent.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 9-10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirai et al. (US 6,059,601).

Hirai discloses an apparatus for connecting components comprising: at least one electrical connector (3,4) comprising a tab section (11); a housing (8) at least partially enclosing the at least one electrical connector; wherein the housing is molded into sealing engagement with the electrical connector; wherein the tab section is capable of removal from the electrical connector after the housing is molded.

Regarding claim 2, Hirai discloses the apparatus being capable of providing electrical connection between a plurality of electrical components.

Regarding claims 3 and 4, Hirai discloses the at least one electrical connector comprising a series of electrical connectors (3) attached by the tab section prior to the molding of the housing around the connector; and the series of electrical connectors being capable of being segmented into discrete components after molding of the housing around the connector and removal of the tab section.

Regarding claims 6 and 7, Hirai discloses the housing comprising an insulating material / moldable plastic.

Regarding claim 9, Hirai discloses the at least one electrical connector providing an electrical passageway from a first contact surface (3a) to a second contact surface (3b).

Regarding claim 10, Hirai discloses the at least one electrical connector conducts electrical signals between a plurality of contact surfaces on each electrical connector, and wherein the housing provides isolation between the electrical connectors.

Regarding claim 12, Hirai discloses the at least one electrical connector comprising metal.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5; 16-17, 19, 21, 23, 26, 27; 28-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai.

Hirai discloses substantially the claimed invention except for the apparatus being a component of an implantable medical device. However, it would have been obvious to an ordinary worker in the art at the time the invention was made to use the structure of Hirai as a component of different electrical devices, such as an implantable medical device, to complete an electrical connection within the electrical device.

Regarding claim 16, Hirai discloses a feed-through arrangement comprising: a plurality of electrical contacts (3) for conducting electrical signals; a molded housing (8) comprising an electrically insulating material, the housing enclosing a portion of the plurality of electrical contacts, the housing being in sealing engagement therewith; the

housing comprising a plurality of apertures (between members 13) capable of receiving electrical wires.

Regarding claims 19 and 21, Hirai also discloses the arrangement comprising a housing (see Fig.5) having an opening and defining a first environment within the housing and the electrical contacts extending from the first environment within the housing to a second environment outside the housing.

Claims 8, 18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai in view of Hawkins et al. (US 6,029,089).

Hirai discloses substantially the claimed invention except for the use of glass on the housing. Hawkins teaches the use of glass on a housing to provide visual confirmation of the electrical connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the housing comprising glass, as taught by Hawkins, to provide visual confirmation of the electrical connection.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai in view of Damaschke et al. (US 6,351,884).

Hirai discloses substantially the claimed invention except for the use of clamping connection instead of welded connection. Damaschke shows that a welded connection is an equivalent structure known in the art for a connection between a connector and an electrical wire. Therefore, because these two connection methods were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would



have found it obvious the substitution of a clamping connection for a welded connection to securely maintain electrical continuity.

Claims 13-14, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai in view of Saen et al. (US 4,870,227).

Hirai discloses substantially the claimed invention except for the electrical connector comprising a base metal and at least one plating material. Saen teaches the use of a connector (10) comprising a base metal and at least one plating material (nickel) to improve electrical connection and continuity. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Hirai comprising a base metal and at least one plating material, as taught by Saen, to improve electrical connection and continuity.

Claims 16-17, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urushibata et al (US 5,057,650).

Urushibata discloses a feed-through arrangement comprising: a plurality of electrical contacts (13) for conducting electrical signals; a molded housing (12) comprising an electrically insulating material, the housing enclosing a portion of the plurality of electrical contacts, the housing being in sealing engagement therewith; the housing comprising a plurality of apertures (17) capable of receiving electrical wires (50). Urushibata discloses substantially the claimed invention except for the apparatus being a component of an implantable medical device. However, it would have been obvious to an ordinary worker in the art at the time the invention was made to use the structure of Urushibata as a component of different electrical devices, such as an

implantable medical device, to complete an electrical connection within the electrical device.

Regarding claims 19-22, Urushibata also discloses the arrangement comprising a housing having an opening (from which 13 extend) and defining a first environment within the housing and the electrical contacts extending from the first environment within the housing to a second environment outside the housing; the plurality of apertures extending from the first environment within the housing to the second environment outside the housing.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Urushibata in view of Hawkins et al.

Urushibata discloses substantially the claimed invention except for the use of glass on the housing. Hawkins teaches the use of glass on a housing to provide visual confirmation of the electrical connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the housing comprising glass, as taught by Hawkins, to provide visual confirmation of the electrical connection.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urushibata in view of Saen et al.

Urushibata discloses substantially the claimed invention except for the electrical connector comprising a base metal and at least one plating material. Saen teaches the use of a connector (10) comprising a base metal and at least one plating material (nickel) to improve electrical connection and continuity. Therefore, it would have been

obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Hirai comprising a base metal and at least one plating material, as taught by Saen, to improve electrical connection and continuity.

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Castle et al. (US 5,782,892), Jans (US 3,585,570) and Holden et al. (US 4,894,021) discloses connectors with apertures to receive wires.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr  
December 3, 2002

  
P. AUSTIN BRADLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800